

North Salem Planning Board Minutes

March 13, 2013

7:30 PM – Annex

PRESENT: **Cynthia Curtis, Chairwoman**
 Charlotte Harris, Board Member
 Gary Jacobi, Board Member
 Bernard Sweeney, Board Member
 Robert Tompkins, Board Member
 William Agresta, AICP

ABSENT: **Roland A. Baroni, Town Attorney – not required to attend**

ATTENDANTS: **Sprint Nextel Corp. :** **Adam Moss**
 McCarthy: **Ryann McCarthy**
 Purdy’s Farmer and the Fish: **Viktor Solarik**
 Edward Taylor

Chairwoman Cynthia Curtis calls the March 13, 2013 North Salem Planning Board Meeting to order.

REGULAR MEETING:

- 1. Sprint Nextel Corp.:** Adam Moss (owners – Pasquale & Francis Carrozza)
 Cond. Use/Site Dev. Plan (location – 509 Route 22)

- Consider Report from Planner and Request for Conditional Use and Site Plan Exemption

Cynthia states this is going to be the first of many Applications yet to come and states she received a notice that there are approximately four locations where antennas will be replaced with more efficient units. They will go down from six to three antennas or four to two antennas, depending on the configurations. Cynthia states this Applicant requested an Exemption. Cynthia states she explained to the Attorney for Sprint Nextel Corp. before we started the Meeting that we need to verify whether this does qualify and meet the criteria for an Exemption from the Zoning Code. Cynthia states we sent this Application over to Will and everything does appear to be in order. Cynthia states we did ask for a Verification about the percentage of the reduction which we received a day or two ago. Cynthia states she asked Will whether he could have a Draft Resolution in time for our Meeting tonight, and he responded that he couldn't. Cynthia states the Board will be meeting again next Wednesday, and will have a formal Draft Resolution then. Cynthia states that Will mentioned on the phone with her today that there was one modification that maybe could improve the change. Will states along with the antennas, they are installing Remote Radio Heads (RRH) Units. Adam Moss, from Snyder and Snyder is here to represent Sprint Nextel Corp. Mr. Moss states the RRH Units are basically amplifiers which prevent signal loss between the radio cabinet and the antennas which make for a better signal. Mr. Moss states there are currently six antennas on masts on the side of the building and given the technology we are actually able to reduce the antennas from six down to three. Mr. Moss states the Town Code permits an Exemption from a Conditional Use Permit and Site Plan Approval if the modification doesn't increase by more than five percent the bulk of the existing antennas. Mr. Moss states that since they are going down from six to three antennas, the bulk is not increasing. Mr. Moss states that the antennas that are proposed are a little shorter, and a little wider. Mr. Moss states that when factoring in the RRH Units, in their opinion, pursuant to the Town Code, that doesn't count towards the five percent. Mr. Moss states that they do appreciate the concern that if the RRH Units were to be put under the antennas, there is still additional bulk. Mr. Moss states this

Board may look at the RRH Units and feel that the antennas are getting bigger. They propose as an alternative solution to either mount them to the building and paint them so they will not be visible, or place them five feet away from the roof. Hopefully this will alleviate any issues with the antennas looking too big. Will refers to the number of antennas being reduced and states that the mounting masts should be eliminated. Will does not understand why the mounting masts are proposed to be left in place. Cynthia states we are going to have blank poles. Mr. Moss states the mounts for the additional antennas may be removed. Cynthia states the Plan showed the existing masts to be left vacant. Cynthia talks about the view shed from Route 22 and states a preference for the antennas to be on the roof. Cynthia states that from I-684 more of the antennas may be visible on the roof. Cynthia states she is more concerned with visual impacts from Route 22. Cynthia asks the Board how they feel. The Board agrees. Charlotte asks about the road that goes up behind the property. Cynthia states there is tree cover, but that is a good question. Cynthia asks if there are air conditioning units up there. Mr. Moss states yes. Cynthia asks if they may be painted the same. Mr. Moss states that unlike the panel antennas which are about six feet in length and a foot wide, these are inches. Mr. Moss states they are about a foot and a half in height to about a foot in width. Mr. Moss states that compared to the panel antennas, they are a lot smaller. Will refers to the color of the current panel antennas. Mr. Moss states the current panel antennas are white. Will states the white stands out. Mr. Moss states they can make the new antennas a different color. Cynthia states when the Draft Resolution is prepared the conditions will be added. Cynthia confirms that neither Will nor the Board have any other questions. Cynthia confirms with the Board that this may go forth as an Exemption and states the Draft Resolution will be considered at the next Meeting on March 20th. Mr. Moss states thank you.

2. **McCarthy: Ryann McCarthy** (owner – Ryann McCarthy)
Land Exc., Fill, Chapter 189 Permit (location – 205 Hardscrabble Road)

- Consider Request for Extension of Approvals

Cynthia states that the Applicant Mr. McCarthy is here tonight. Cynthia states the Board granted him a Resolution of Approval for a Tree Slashing Permit, except that no work has started. Cynthia states that through his Engineering Firm, Bibbo Associates, Mr. McCarthy has asked for an Extension. Cynthia asks Mr. McCarthy if he would like to explain to the Board why this Extension is necessary. Mr. McCarthy states he is having trouble coming up with the \$15,000 that the Board wanted him to post before beginning the work. Cynthia states the Bond was \$14,000. Mr. McCarthy would like to know whether he may begin work within the next two weeks without posting the Bond and states his friend will be bringing over the equipment, giving him the trees, do everything for him, and let him pay when he can. Mr. McCarthy states at this point he is putting himself and his wife through school and just doesn't have the money for the Bond. Mr. McCarthy states this whole endeavor became a lot more expensive than he thought. Mr. McCarthy refers to the thousands that have been paid to the Town for the engineering and states he just can't do it. Mr. McCarthy states he is behind on his real estate taxes. Cynthia states the main reason the Board asked for the Bond is in the event the work is started, but not completed. Cynthia states there may be erosion problems that might go off property and affect other people. Cynthia states the Bond is an assurance that the work will be completed. Mr. McCarthy states he is still liable and if he doesn't do the work, he would be subject to violations. Mr. McCarthy states he spoke with Bruce Thompson and was told that this needs to be addressed because if he doesn't go forward he will be hit with more violations. Mr. McCarthy states he doesn't really know what to do at this point. Cynthia asks if everything is pretty stable right now. Mr. McCarthy states he did put seed down and silt fencing as well as hay bales to stabilize it. Mr. McCarthy states he would like to get the work started and wrapped up by September. Mr. McCarthy states that \$14,000 is a lot of money to come up with right now. Cynthia asks the Board whether they have an opinion. Bernard asks Mr. McCarthy what his projection is to come up with some money in order to start the Project. Mr. McCarthy states he has about \$2,000 right now. He has friends with backhoes who will come over and let him pay when he can. Mr. McCarthy states his in-

laws have a nursery. The trees will be planted and he will pay a certain amount per month until it is done. Mr. McCarthy states he has a plan to get the work done, but he just can't come up with the Bond. Charlotte talks about some type of a fixed asset as a Bond. Gary states it is not this Board's business, but if Mr. McCarthy is behind in his property taxes, that is probably more of a daunting concern. Bernard agrees. Gary states he doesn't know how far behind Mr. McCarthy is with the taxes. Mr. McCarthy states about six months. Gary asks how soon Mr. McCarthy expects to be caught up. Mr. McCarthy states hopefully within the next year he should be caught up. Mr. McCarthy states his wife is graduating and will be taking a test to be a nurse practitioner. McCarthy states he has two years left until he receives his law degree. Cynthia states that unless there were some guarantees that the work would actually be completed; Mr. McCarthy may be better off doing no disturbance of the land. Gary states it is better to either do everything, or not do anything, versus only doing something. The Board talks about the extensions. Cynthia talks about either doing a lot of the work, or holding off until the fall. The Board talks about granting extensions and having Mr. McCarthy come back in a few months. Charlotte asks about the neighbor to the south up the hill and states that is the biggest piece of neighbor impact. There is talk about the project being split so that half of the Bond may be submitted. There is discussion about the work behind the house being done, and holding off on the side and front work. Mr. McCarthy states he doesn't have \$7,000 right now. Gary states that Mr. McCarthy just stated he could do the plantings. Mr. McCarthy states yes, because he has friends that will allow him to stretch out the payments. Gary talks about Mr. McCarthy committing to doing some of the plantings. Mr. McCarthy talks about doing the plantings behind the house and on the side for now. Cynthia asks if the plantings will be done by hand or by machine. Mr. McCarthy states by machine because they are all big trees. Cynthia states it doesn't involve re-grading.

Charlotte refers to the proposed retaining wall. Cynthia states that has to be built. Mr. McCarthy states that will involve the placing of the rocks by a machine.

Gary asks Mr. McCarthy if he will be able to plant all 43 trees within the next month. Mr. McCarthy states no. Mr. McCarthy states he could have all the trees in by the end of the summer. Mr. McCarthy talks about starting behind the house right now if the Board agrees for him to break it up. The Board talks about Mr. McCarthy doing the plantings to assist with the impact to the neighbor. Mr. McCarthy states that the back and side of the house will affect the neighbor. Charlotte refers to the neighbor Mr. McCarthy shares a driveway with and asks if he is anxious. Mr. McCarthy states they are being patient, but they are getting anxious. Robert states the new trees are not nearly as substantial as the trees that already came out. Cynthia talks about having the spruces planted. Gary asks Mr. McCarthy how quickly he would be able to get the spruce trees in. Mr. McCarthy states approximately four to six weeks.

Gary talks about a two month extension. Cynthia states it would be just for the planting of the spruce trees. There is a discussion about having the Building Inspector go out to the property and inspect the planting of the spruce trees. Cynthia states that she doesn't want to see work being done, such as the rock wall as she doesn't want to see a disturbance that isn't going to get finished.

Cynthia asks Robert what he thinks. Robert states let's put it up for a vote. Cynthia asks if Robert has any suggestions. Robert states no. He thinks this is a self-fulfilling issue which was created. Robert states he does not see any reason to give too much credence here. Robert states this was illegal from day one and we are trying to make an improvement that may be acceptable for now, but it is setting a precedent that he doesn't like. Robert states the Bond is there for a reason and he thinks the Bond should be maintained. Robert states he feels sorry for the neighbors and everyone who goes up and down the road. Cynthia states if we do not get the Bond, nothing will happen and another violation will be given. Cynthia states she understands Robert's point and states the Board has to try and balance this. Bernard states Mr. McCarthy has to start cleaning up the place even if he has to do it in sections rather than have it sit there. Bernard agrees with the spruce trees going

in behind and on the side of the house. Cynthia asks Mr. McCarthy if he would be able to get all the spruce trees in within 30 days. Mr. McCarthy states he doesn't know and doesn't want to lie to the Board. Cynthia states she thought Mr. McCarthy told the Board he already had a deal worked out. Mr. McCarthy states he does, but he hasn't addressed it yet, because he didn't know where this was going to end up. Cynthia states the Board is meeting again next week and asks Mr. McCarthy to report back as to whether he will be able to get the 14 spruce trees planted within 30 days. Mr. McCarthy asks to see the location of the 14 spruce trees on the Plan because he didn't bring his copy. Charlotte states they are located behind the house. Cynthia shows the Plan to Mr. McCarthy. Mr. McCarthy states that is fine. Gary talks about Mr. McCarthy reporting back with a detailed Plan for what will be going in when. Cynthia states at a minimum, the spruce trees, or possibly others should go in as the Board is trying to protect the neighbors. Cynthia states the Bond will be needed for everything else.

Chairwoman motions that the Planning Board Grant Ryann McCarthy a one-week Extension Until the March 20, 2013 Meeting to Report Back as to Whether he will be able to Plant 14 Spruce Trees Within a 30 day Period. Gary Jacobi seconds. All in favor, except Robert Tompkins votes no.

After the motion Cynthia states Mr. McCarthy has one week to report back to the Board, and the Board will let him know whether he will receive an extension or not. Cynthia states if he is going to have someone plant the 14 spruce trees; he should obtain something in writing.

3. Salem Hunt/Bridleside: (owner – June Road Properties, LLC)
Amended Site Development Plan (location – June Road & Starlea Road)

- Consider Draft Resolution of Approval Regarding Chang to Phasing Plan

Cynthia states a submittal came in regarding the changing of the phasing of the stormwater aspect. Cynthia states as was discussed at the last Meeting, either the Applicant or the DEP came up with the Plan to have a berm built down the middle to separate the major drainage, which makes it very easy to deal with a disturbance of greater than five acres without a major impact. Cynthia states that a sign-off was received from Hahn Engineering. Cynthia states she prepared a Draft Resolution and asks the Board whether they have any questions. They do not.

Robert Tompkins motions that the Planning Board Adopt the Draft Resolution Regarding Conditional Approval and Amended Site Plan and Stormwater Plan Related to the Approved Site Plan. Gary Jacobi seconds. All in favor. No opposed.

4. Purdy's Farmer and the Fish: Viktor Solarik (owner – Purdy Family Trust)
Site Development Plan (location – 100 Titicus Road)

- Referral to Other Agencies
- Consider Reports from Planning Consultant and Town Engineer

Cynthia states as we now know from the calculations and from the popularity of the restaurant, there always has and continues to be a parking issue. Viktor Solarik states that is something they should address first. Mr. Solarik states they received comments from both MDRA and Hahn Engineering which they will address. Mr. Solarik states the parking is something they need to address currently as to how the issue may be resolved overall. Mr. Solarik states they added the second floor proposed dining with the idea that if it met with general approval by this Board they would pursue it further with the Department of Health (DOH). Mr. Solarik states he knows they have a long haul ahead of them with the DOH regarding the septic. Mr. Solarik states if they

left off the proposal for the second floor, they would not be addressing everything at one time. Their thought was to put everything on the table so it may be discussed. Mr. Solarik states, as Will pointed out, the calculations for the parking has to take into consideration the whole footprint as the Zoning Ordinance requires. Mr. Solarik states they would require about 91 parking spaces overall. Mr. Solarik states the amount would be 97 with the employees. Mr. Solarik states without the expansion of the second floor, they would require 83 parking spaces. Mr. Solarik states their Plan currently shows 56 parking spaces, which are the expansion of the existing parking, the 17 off street parking, and 4 and 2 proposed parking spaces, as well as parking spaces to be utilized when the office is closed. Mr. Solarik states from 56 parking spaces to 83 parking spaces is a big jump. Cynthia refers to the reserve area. Mr. Solarik states the reserve area could potentially be developed. Mr. Solarik states there are two septic systems; one is existing for the restaurant, and one is a pump system for the office. Mr. Solarik states the question is how to proceed. Mr. Solarik states if they add 17 parking spaces they will be short of the 83 requirement. Will asks Mr. Solarik whether he thinks he would be able to get more than 17 parking spaces in that area. Mr. Solarik talks about having to go over existing septic fields. Will asks whether the septic fields are outside this area. There is a discussion about moving the pipes. Mr. Solarik states there are 3 drywells approximately 10 to 15 feet away. Will asks what the separation is. Mr. Solarik states it is probably 10 feet. Mr. Solarik states it depends on how the parking is treated such as if it were a paved area. Cynthia refers to the dumpster and talks about going further into the hill. Cynthia asks if the dumpster has to be in that location and states it used to be in a different location. There is discussion about the odor from the fish if the dumpster is moved. Mr. Solarik asks Ed Taylor how often the garbage is picked up. Mr. Taylor states twice a week. Will talks about the possibility of having the back parking area made wider and states that it could maybe be doubled. Gary asks what the rules are for valet parking. Cynthia states even if they did valet parking they would still need a place to put the cars. Being able to move cars around is discussed as well as stacking cars. Cynthia states that if parking was just an issue on Friday or Saturday nights, it might be something to consider, but the restaurant is packed all the time. Cynthia states she believes the more economical approach is to try to build the parking areas. Mr. Taylor refers to valet parking and states he would not like to see people driving other people's cars. Cynthia asks whether Mr. Solarik spoke with Mr. Purdy to see whether the employees may park in his area in the evening when he isn't using it. Mr. Solarik states they haven't addressed it yet. Cynthia states it may be too long of a walk for the guests, but may be something to think about for the employees. Mr. Solarik states it may free up six spaces. Will refers to the septic system and asks whether the DOH may require a new system. Mr. Solarik states it is possible. Will states that land will be needed. Mr. Taylor states they have spoken with Barry Reisler to see about buying into the Sewage Treatment Plant at the Nursing Home. Mr. Taylor states if Barry Reisler lets them buy into it, they would build a pump house. Mr. Taylor states he hopes they are going to be there for a long time and it would be nice to be able to get all the waste off the property. Mr. Taylor states this may not assist with the short term issue, as it may be something that happens in a couple of years. Mr. Taylor states if they could do it right away, they would. Gary asks Mr. Solarik how he will get to 97 parking spots if he were to expand to the second floor. Mr. Solarik states he doesn't know. Robert asks how many horses are in the paddock area. Mr. Solarik states he believes 12. Cynthia refers to the separate lot that is leased to the horse farm and states the parcel is owned by Mr. Purdy and asks if that leads to the horse farm. Mr. Solarik doesn't think so. Mr. Solarik states they are waiting for Mr. Reisler to respond. Mr. Solarik shows on the Plan where they have 31, 17, 4 and 4 parking spaces and states they will need 20 more spaces. Will talks about figuring out a way to double up the spaces. Cynthia talks about the possibility of parallel parking behind the building. Mr. Taylor states they would like to do this as soon as possible to prevent people from tripping. There is discussion about exploring the paddock area. Will states they may not need the whole area. Robert asks what the scale of the map is. Mr. Solarik states 40. Cynthia suggests concentrating on getting the additional 20 spaces in order to get the first floor functioning well. Cynthia states the Applicant should keep in mind that they may want to reserve spaces for future use. There is discussion about taking the second floor expansion off the table for now in order to get through the parking calculation. Mr. Taylor talks about leaving it on the table for now.

Cynthia talks about the Resolution of Approval having a Condition so that when the Applicant is ready to do the second floor expansion, they would have to come back before the Board in order to work out the parking. Mr. Solarik talks about doing the parking calculations now, and adding 20 spaces so they meet the Zoning Ordinance Requirements for the first floor. Cynthia suggests Mr. Solarik see if he is able to get a few more spaces where the 17 spaces are now, as well as pushing the dumpster further back in order to get a few more spaces there. Cynthia states that the Applicant should talk with Mr. Purdy to see about leasing parking spaces from him for the employees. Mr. Solarik asks if it is possible to ask the Zoning Board of Appeals (ZBA) for a variance to have fewer parking spaces. Cynthia states it is possible, but they shouldn't do that because this Board knows they need the parking. Cynthia states that under SEQR, they are going to say that for safety reasons, the parking is needed.

Mr. Taylor asks if they may go ahead and build the gravel area. Cynthia states they have to finish the Site Plan and SWPPP with the Engineer. That is why we are trying to help move this quickly, and not deal with the second floor now, with the understanding you would have to come back for that. Cynthia states it is good for the Board to see the vision. Mr. Taylor states a concern about guests having to walk in the mud and asks how long before they may put down gravel. Cynthia states not until the Engineer signs off on the Site Plan because before the gravel goes in, the drainage has to go in. Will states that an Approval is needed from this Board after the issues are resolved. Will states the Applicant needs to have the Approval of a Final Plan. Gary states he doesn't think the Applicant is questioning whether he needs Approval of a Final Plan and asks if there is anything that may be done temporarily to help. Gary states it may not entail putting all the drainage and gravel in. Gary states that process could take months. Cynthia states that if we are talking about maintaining the existing parking area, she doesn't see why gravel can't be put down, but it may have to be dug up to install the drainage. Mr. Solarik states he believes Mr. Taylor was asking about taking the parking lot as a separate entity. Cynthia states the Board cannot segment the Approval because it is tied into the stormwater approval. Doing maintenance of the existing space is discussed. Not wanting the space to deteriorate more if this should go on for a few months is discussed. Mr. Taylor refers to the swale and asks if it may be fixed. Cynthia suggests Mr. Taylor speak with the Building Inspector to confirm whether he concurs this will entail the maintenance of an existing structure.

Will asks Mr. Solarik what his projected schedule is for figuring out the parking issue. Cynthia states the Board will keep the Applicant on Agendas as quickly as they are able to move. Cynthia states the Consultants need at least three weeks for reviewing materials. Cynthia states the big item is to design the parking lot and make sure it is all part of the SWPPP which Frank will be reviewing.

Robert asks if there is any prohibition in having leased parking in a RO Zone. Cynthia states this is in a PO Zone. Cynthia states that for parking purposes the paddock in the front may be leased. Robert states he has never seen a horse in the front, and it is approximately 100 yards from the restaurant. There is discussion about building a path. Limiting the parking for employees is discussed. Robert states it shouldn't be limited to employees. Not parking on the road is discussed. Cynthia states that either way, a parking lot has to be built. Cynthia talks about the possibility of the Applicant speaking with Mr. Purdy to negotiate a lease. Cynthia states that technically, the 17 reserve spaces in the back may be lost. Cynthia tells the Board not to lose sight of that. Cynthia states the Applicant is doing a lot of things right.

5. Minutes:

- December 5, 2012

Chairwoman motions that the Planning Board Approve the Minutes for December 5, 2012. Robert Tompkins seconds. All in favor. No opposed.

6. Financial Reports:

- February, 2013

Chairwoman motions that the Planning Board Approve the February, 2013 Financial Report. Charlotte Harris seconds. All in favor. No opposed.

7. Next Meetings:

- Work Session – March 20, 2013
- Regular Meeting – April 3, 2013

WORK SESSION:

8. Discussion of Proposed Zoning Amendments

Cynthia states a new packet was circulated via e-mail this morning that was the culmination of our discussion two weeks ago. Cynthia states Robert was not at that Meeting. Cynthia states the new set of Districts are not showing the Uses that are deleted, but are showing the Uses that are being added or shifted around. Cynthia refers to the definitions that Will has started to put together so they may fully understand what some of these Uses are. Cynthia states for the purpose of tonight's discussion, we should jump over to the RO Zone. Cynthia states everything in all the other Zones is fairly straight forward. Uses were taken out that no one wanted to see anymore that didn't make sense. Cynthia refers to the RO Zone, the last page in the packet, and states we now have good definitions for Business and Professional Offices. Cynthia states at the last Meeting the Board talked about Medical and Dental Offices or Clinics. Cynthia states we now have a definition of Personal Service Businesses for the conduct of studio instruction such as exercise, art, dance, martial arts, yoga, music or other personal or group studios providing instructional classes and lessons. Cynthia states those are all Uses as of Right which we are suggesting for the RO Zone, which is on Fields Lane. Cynthia states that as Conditional Uses of the Planning Board we have Light Industry. Cynthia states at the last Meeting we were trying to understand what this means. Cynthia asks the Board to open up their definitions and states that Will included a definition for Light Manufacturing. Cynthia asks Will whether Indoor Light Industry could be included as a part of this definition. Will states the Light Manufacturing focuses more on people who already have businesses. Will refers to the definitions of the Standards for Conditional Use that the Board needs to spend time on. Robert states the Bulk Requirements are going to be critical for anything that goes in on Fields Lane because nothing is conforming now. Robert states that 9 or 10 of the lots are less than 10 acres. Robert refers to the reduction of the setback requirements or coverage. Will states that the Bulk Requirements in relation to the properties has to be looked at as well. Cynthia refers to the RO Zone and asks the Board whether they think Will has captured most of what they wanted to see added in terms of Uses in the Personal Service Businesses in the Permitted Uses by Right, and the Indoor Light Industry, and asks the Board whether there is anything else they would like him to look into. Gary asks whether we want to allow retail or restaurants. Will states those items were discussed last time in terms of not allowing them. Cynthia states the Comprehensive Plan specifically stated no retail on Fields Lane. Cynthia states she forgot to mention that the

Tradesman Offices were also added as a Conditional Use of the Planning Board and we now have a definition for that. Will states he started to prepare a definition for the recreation. Robert refers to Permitted Uses by Right as they pertain to the definitions and differences between Business and Professional Offices. Cynthia states the reason why the word "Office" was added twice is because it used to be Business or Professional Office. Cynthia talks about the interpretation being too broad and states this provided clarification. Will states the need for two definitions may go away if everywhere they are allowed, they both are allowed. Will states if one is allowed in one place, but not the other, we will keep both definitions in. Robert talks about the businesses on Fields Lane and states the ratables are on the Southeast side, and yet we have all the traffic. Robert states he would like to see a Flexible Use in order to give the landowners an opportunity to do something there other than work in a church or a government institution. Robert states the idea of having business offices, especially on the little lots that have been retained as residences would be an upgrade. Cynthia states that Personal Service Businesses are a good addition because people want to have yoga classes and palates. Cynthia states Trade Center Offices shown in the second Column are considered for electricians, plumbers, and painters. Cynthia states indoor recreation was added, not to include inflatables or seasonal structures. Will refers to Column E and states he put in 5,000 square feet, but that is something that may be changed. Will states that will be built into the Standards. Cynthia states she agrees with Robert's point that we would much rather see a building that is ratable rather than the land which is not. Cynthia states that an outdoor tennis court will not be taxed, but an indoor tennis court would be taxed as part of the building. Cynthia states she understands there is an interest in platform tennis. Charlotte agrees and states they are smaller than tennis courts. There is discussion about cutting the 5,000 square feet in half. Will states he will look into the platform tennis. Robert talks about the existing companies that are already on Fields Lane and asks where the light medical or light assembly would fit in. Cynthia states that would be part of Indoor Light Industry, which is not fully developed yet. Will states he sees this being good for start-up companies that may move away if they become successful.

Gary states he has a question in the R-2 District and asks whether we really want to allow someone to have 25 heads of cattle. Cynthia refers to the Bulk Table and states the 25 would be if the person had 10 acres. The 25 would be for someone who had 10 acres. Cynthia refers to the last Column and states if someone only has 3 acres it would be a much smaller number.

Gary refers to the R-4 District and states in the first Column, the second item and the seventh item are the same. Cynthia states that is a duplicate.

Cynthia states we cannot show on one sheet of paper what is going out and what is going in for the Town Board to see. Cynthia states she and Will are going to come up with a plan. Cynthia asks the Board whether they are on the right track with what has been added. The Board agrees. Cynthia states that Will is going to work on the Standards. Gary asks what is meant by Standards. Cynthia states that Standards are conditions that go with the Use. Cynthia refers to hotels and motels and states the Standards list whether or not accessory uses such as swimming or the serving of food may be allowed as well as parking requirements. Cynthia states that Standards are extra features so that every time there is a definition, there is a Standard. Will states that Permitted Uses as of Right are the base Uses of the Zone, and the Conditional Uses or Special Permit Uses are permitted, but because of their operation, function, and land requirements, it makes them unique and different from the base Permitted Uses. Because of that, we deem them to need other Standards in which to make them in harmony with other Uses. Will refers to churches and states they are bigger than houses, and would have a parking lot and lights, so they would need a bigger property and setback standards. Gary asks whether Standards only apply when there is a Conditional Use being considered. Will states not necessarily. There may be Standards for other items, but there would definitely be Standards for Conditional Use Permits. Gary states if every Conditional Use is unique, why would we want a Standard that limits our ability to grant a Conditional Use? Cynthia refers to the Zoning Board of Appeals (ZBA) Standards which state that someone

has to have one acre per horse and states these are guidelines. Cynthia states sometimes they are definitive and sometimes they are general statements. Gary states he understands, but would rather it not be definitive. Cynthia states we don't want a Board making this information up for each individual who comes in front of them. Cynthia states it is a guideline. Gary states that the tighter the standards, the less room. Cynthia states it may also be argued the other way. Cynthia states that at the next Meeting we will bring in the Standards we already have and decide whether we need more Standards for the new items. Will states there are some parts of the Standards that will be specific in such that there will be bigger setbacks, or some other dimensional issues, and others that the Board will need to make a finding based on the unique conditions of the Applications. Will states the Board cannot be too wishy-washy because then it becomes arbitrary.

Cynthia talks about Will having something ready for us to see before it goes over to the Town Board and states he may or not have something ready for the next Meeting. There is discussion about looking at the Standards, and compiling a list.

Cynthia asks the Board to bring their bulk standards sheet for the next Meeting.

Cynthia refers to the PO Zone in Croton Falls and Purdy's in terms of discussing the addition of restaurants to make them conforming.

Robert refers to the RO Zone in relation to Joe's Getty Station and states he ran into Joe Bryson the other day. Mr. Bryson mentioned something to Robert about trying to get around the requirements of the SWPPP. Robert states he is not certain whether this has to do with the AC unit. Robert refers to the Applicant going outside the foot print of the building and asks whether that generated the SWPPP. Cynthia states no. It was the Use itself as well as the septic and stormwater. Robert asks if the stormwater is the issue now. Cynthia states with the current Plan, she thought the stormwater was resolved. Cynthia states that she and Frank met with the Applicant's engineer and gave them suggestions in regards to the well and the septic. Cynthia states they thought the Applicant would get over the hurdle, but doesn't know whether they ever put that final Plan together. Robert talks about them going back and putting everything where it was in order to be able to open up. Cynthia states it would have to be a service station with pumps. Cynthia states the problem was that the new tenant wanted to put the walk in cooler in. Robert states he thought the other issues were caused by them going outside the existing footprint. Cynthia states she believes that triggered the SWPPP.

9. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney seconds. All in favor. No opposed.